



WEB COPY

W.P.No.3144 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.3144 of 2024

1. Vinmeen Chakrayutha
2. D.V.Kavya
3. S.Shanmshath Nisha
4. K.Karhtick

... Petitioners

Vs.

The Chief Judge,
Integrated Court Complex,
Mudaliarpeta, Puducherry – 605 004.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation dated 26.07.2023 within the time limits as fixed by this Honble court.

For Petitioners : Mr.P.Suresh

For Respondent : Mr.V.Vasanth Kumar,
Additional Government Pleader (Puducherry)

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been instituted to direct the respondents to consider the representation submitted by the writ petitioner on 26.07.2023.



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2. Pertinently, the said representation was considered by the respondents and the claim of the writ petitioners were rejected in proceedings dated 31.01.2023. Admittedly, the said proceedings remains unchallenged.

3. The learned counsel for the writ petitioners would submit that pursuant to the Judgment of the Hon'ble Supreme Court of India in the case of Tamil Nadu Public Service Commission, the seniority of the writ petitioners are to be revised. In this context, the order of rejection passed by the respondents reveal that re-fixing of seniority on the strength of speaking order issued by the Department of Personnel and Administrative Reforms on 31.05.2022 has nothing to do with the cadre in which the writ petitioners are working. That apart, the representation itself was submitted after a lapse of about eight years. That being so, the respondents contended that unsettling the settled seniority would create unrest amongst the employees and therefore, the representation was rejected.

4. Revision of seniority and related grievances are to be addressed to the competent authority within a reasonable period of time. Entertaining a



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representation after a lapse of several years would result in unsettling the settled seniority. On account of efflux of time, many employees would have been promoted to the higher post and in the event of revision, the same will cause prejudice to the interest of large number of employees. That exactly is the reason why the Rules as well as the judicial decisions contemplate that such grievances relating to revision of seniority are to be undertaken and to be settled within a reasonable period of time. Rules contemplate limitation for submitting appeals, representations for revision of seniority. In the present case, there was an enormous delay in sending a representation and by that time, promotions were granted. More so, the learned counsel for the respondents contend that the seniority was fixed after inviting objections from the employees in the year 2014. The writ petitioner, instead of raising objections during the relevant point of time, submitted a representation after a lapse of eight years.

5. Thus, the relief as such sought for in the present Writ Petition cannot be granted and consequently, the Writ Petition stands dismissed. No costs.

(S.M.S.,J.)**(K.R.S.,J.)**



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Speaking order

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

skr

To

The Chief Judge,
Integrated Court Complex,
Mudaliarpeta, Puducherry – 605 004.

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